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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,091	09/05/2000	Johann Meseth	GR 98 P 3112	8366

7590 02/20/2002

Lerner And Greenberg PA  
2445 Hollywood Boulevard  
Hollywood, FL 33020

EXAMINER

KEITH, JACK W

ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 02/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<h2 style="margin: 0;">Office Action Summary</h2>	Application No. 09/655,091	Applicant(s) Meseth
	Examiner Jack Keith	Art Unit 3641
		
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<b>Period for Reply</b>		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Dec 31, 2001</u>		
2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> 35 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-14</u> is/are pending in the application		
4a) Of the above, claim(s) <u>9-14</u> is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-8</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. § 119</b>		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).		
<b>Attachment(s)</b>		
15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>8</u>		
18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
20) <input type="checkbox"/> Other: _____		

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## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election without traverse of invention I, species A, a, i, (1) and AA in Paper No. 10 is acknowledged.
2. Claims 9-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Brettschuh et al (SWR 1000 - der Siedewasserreaktor der Zukunft, Siemens Power Journal 2/1996).

Referring to the figure located on page two Brettschuh discloses applicant's inventive concept. A containment vessel for a nuclear reactor having an interior space, a condensing

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chamber (10) containing a cooling liquid located within said interior space, a pressure chamber disposed in said interior space, a condenser (8) in flow communication with said pressure chamber through a flow path, a drain pipe (11) having a top and bottom end disposed in said interior space and in fluidic connection between the top region of the pressure chamber and the condensing chamber. The drain pipes bottom end being immersed in said condensing chamber.

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

5. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gluntz (EP 0 620 560).

Gluntz (figure 1) discloses applicant's inventive concept. A containment vessel for a nuclear reactor having an interior space (26), a condensing chamber (30) containing a cooling liquid located within said interior space, a pressure chamber disposed in said interior space, a condenser (54/64) in flow communication (60) with said pressure chamber through a flow path, a drain pipe (66) having a top and bottom end disposed in said interior space and in fluidic connection between the top region of the pressure chamber and the condensing chamber. The drain pipes bottom end being immersed in said condensing chamber. Gluntz further discloses a condensing pipe (34) leading into the condensing chamber and ending below the bottom of said drain pipe.

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Note that it appears that during a casualty situation the high temperature steam surrounding the collection chamber (64) would cause the collection chamber to function as a heat exchanger, thus the cooled condensate and non-condensable gases from heat exchanger (54) would be somewhat heated.

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

6. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Gamble et al (6,069,930).

Gamble (figure 1) discloses applicant's inventive concept. A containment vessel for a nuclear reactor having an interior space (12), a condensing chamber (26) containing a cooling liquid located within said interior space, a pressure chamber disposed in said interior space, a condenser (54) in flow communication with said pressure chamber through a flow path, a drain pipe (60/64) having a top and bottom end disposed in said interior space and in fluidic connection between the top region of the pressure chamber and the condensing chamber. The drain pipes bottom end being immersed in said condensing chamber. Note that the drain pipe assembly of Gamble directs the flow of steam during a casualty above the condenser.

Further note that it appears that the condenser (54) of Gamble is disposed within the pressure chamber.

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While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

***Conclusion***

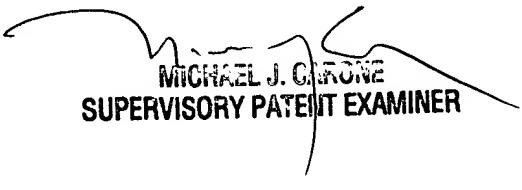
7. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Keith whose telephone number is (703) 306-5752. The examiner can normally be reached on Monday through Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jwk

February 11, 2002

  
MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER